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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/659,642

09/10/2003

David G. Therrien

25452-015

3651

30623 7590 12/26/2006
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
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EXAMINER

PHAM, MICHAEL

ART UNIT

PAPER NUMBER

2167

MAIL DATE

DELIVERY MODE

12/26/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.

10/659,642

Applicant(s)

THERRIEN ET AL.

Examiner

Michael D. Pham

Art Unit

2167

All participants (applicant, applicant's representative, PTO personnel):

(1) Michael D. Pham *M.P.*(3) Boris Matvenko (reg. 48165)(2) Cam Y Truong

(4) _____

Date of Interview: 20 December 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____

Claim(s) discussed: Independent.

Identification of prior art discussed: U.S. Patent 5991753 by Wilde.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Cam Y Truong
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative stated maintaining a list of repository nodes that are associated with each file in the list of files was not taught by the cited reference. However, the examiners disagreed and found that the claimed list of repository nodes that are associated with each file in the list of files was still broad enough to read on the reference. Applicant's representative will amend claims to get over the prior art of record for further consideration.

MINTZ LEVIN

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fax transmittal

FROM:

Name Boris A. Matvenko

Date December 19, 2006

of Pages 2

To:

Name	Company	Business#	Fax #
Examiner Pham	United States Patent and Trademark Office	571-272-3924	571-273-3924

Comments:

Examiner Pham:

Enclosed is an Applicant Initiated Interview Request Form in connection with a scheduled December 20, 2006 Interview at 2PM regarding U.S. Patent Application No. 10/659,642. Should you have any questions, please do not hesitate to contact me at 212-692-6858.

Respectfully Submitted,

Boris A. Matvenko

Please call us at 212-935-3000 if you experience any problems.

STATEMENT OF CONFIDENTIALITY

The information contained in this fax is intended for the exclusive use of the addressee and may contain confidential or privileged information. If you are not the intended recipient, you are hereby notified that any form or dissemination of this communication is strictly prohibited. If this fax was sent in error, please immediately notify us by phone.

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

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PTOL-413A (08-04)
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10/659,642 First Named Applicant: David Therrien et al.
Examiner: Michael Pham Art Unit: 2167 Status of Application: Pending

Tentative Participants:

(1) Examiner Pham (2) Examiner Truong
(3) Boris A. Matvenko, Reg. No. 48,165 (4) _____

Proposed Date of Interview: December 20, 2006 Proposed Time: 2 PM (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>35 U.S.C. 102(b) Rejection</u>	<u>1</u>	<u>U.S. Patent No. 5,991,753 to Wilde</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>35 U.S.C. 103(a) Rejection</u>	<u>8, 13</u>	<u>U.S. Patent No. 5,991,753 to Wilde</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continuation Sheet Attached					

Brief Description of Arguments to be Presented:

Wilde fails to disclose all elements of the claims. Wilde fails to teach maintaining a list of repository nodes that are associated with each file in the set of files. Instead,

Wilde teaches a system that has a list of files that are excluded from migration. This is a list of files as opposed to repository nodes that are associated with a file, as recited in the claims.

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

Boris A. Matvenko

Typed/Printed Name of Applicant or Representative

48,165

Registration Number, if applicable

Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.